

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ERNESTO ARROYO,

Defendant.

CASE NO. 8:14CR357

TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report (“PSR”) in this case and the government’s objection (Filing No. 143)¹. The Defendant did not object to the PSR. See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

IT IS ORDERED:

1. The government's "Objection to Presentence Investigation Report and Plaintiff's Statement" (Filing No. 143) will be heard at the sentencing hearing, and the Court intends to adopt the parties' plea agreement
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

¹The Court advises that the order, referenced by the government in Filing No. 143, was rescinded on August 6, 2004. (See District Court's webpage: <http://www.ned.uscourts.gov/>.) In the future, parties should follow the deadlines set forth in the Court's Order on Sentencing Schedule filed in the case.

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 13th day of May, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge